

Exhibit 2

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11 UNITED STATES DISTRICT COURT

12 NORTHERN DISTRICT OF CALIFORNIA

13 GOOGLE LLC,

14 Plaintiff,

15 vs.

16 SONOS, INC.,

17 Defendant.

CASE NO. 3:20-cv-06754-WHA

~~FIRST~~ SECOND AMENDED
COMPLAINT FOR DECLARATORY
JUDGMENT OF NON-INFRINGEMENT
OF U.S. PATENT NOS. 9,967,615;
10,779,033; 9,344,206; AND 10,469,966;
~~AND 9,219,460~~ BREACH OF CONTRACT;
BREACH OF THE IMPLIED COVENANT
OF GOOD FAITH AND FAIR DEALING;
CONVERSION

20 DEMAND FOR JURY TRIAL

21
22 ~~FIRST AMENDED COMPLAINT FOR DECLARATORY JUDGMENT OF NON-~~
23 ~~INFRINGEMENT OF U.S. PATENT NOS. 9,967,615; 10,779,033; 9,344,206; 10,469,966;~~
24 ~~AND 9,219,460~~

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3
4 1. Plaintiff Google LLC (“Google”) seeks a declaratory judgment of non-infringement
5 and invalidity of United States Patent Nos. 9,967,615; 10,779,033; 9,344,206; 10,469,966; and
6 ~~9,219,460~~ 10,848,885 as follows:

7 NATURE OF THE ACTION

8 2. This is an action for a declaratory judgment of non-infringement and invalidity
9 arising under the patent laws of the United States, Title 35 of the United States Code. Google
10 requests this relief because Defendant Sonos, Inc. (“Sonos”) claims that Google infringes United
11 States Patent Nos. 9,967,615 (“the ‘615 patent”); 10,779,033 (“the ‘033 patent”); 9,344,206 (“the
12 ‘206 patent”); 10,469,966 (“the ‘966 patent”); and ~~9,219,460~~ 10,848,885 (“the ‘~~460~~ 885 patent”)
13 (collectively, the “Patents-in-Suit”) by making, using, selling, offering for sale, and/or importing
14 the following products: ~~Chromecast, Chromecast Ultra, Chromecast Audio, Chromecast with~~
15 ~~Google TV, Home Mini, Nest Mini, Home, Home Max, Home Hub, Nest Hub, Nest Hub Max,~~
16 ~~Nest Audio, Nest Wifi Point, YouTube Music app, Google Play Music app, YouTube app, Google~~
17 ~~Home app, and Google’s “Pixel” phones, tablets, and laptops (collectively, “Google Accused~~
18 ~~Products”). Sonos’ litigation campaign has harmed the reputations of these Google Accused~~
19 ~~Products; and Sonos’ affirmative allegations of infringement of the Patents-in-Suit by the Google~~
20 ~~Accused Products has created a justiciable controversy between Google and Sonos.~~ (collectively,
21 “Accused Products”):

- 22 • “Smartphone, tablet, and computer devices, including Google’s own “Pixel”
23 smartphone, tablet, and computer devices (e.g., the Pixel, Pixel XL, Pixel 2, Pixel 2
24 XL, Pixel 3, Pixel 3 XL, Pixel 3a, Pixel 3a XL, Pixel 4, Pixel 4 XL, Pixel 4a, Pixel 4a
25 (5G), Pixel 5, Pixel 5a (5G), and Pixel 6 phones, the Pixel Slate tablet, and the
26 Pixelbook and Pixelbook Go laptops), as well as third-party smartphone, tablet, or
27 computer devices, that are installed with (i) any of Google’s own Cast-enabled
28 Android, iOS, or Chrome apps that allow a user to transfer playback of streaming

media content from the user's smartphone, tablet, or computer devices to a Cast-enabled media player and then control the Cast-enabled media player's playback, including but not limited to the YouTube Music app, Google Play Music app, YouTube app, Google Podcasts app, and YouTube TV app, (ii) any third-party Cast-enabled app that allows a user to transfer playback of streaming media content from the user's smartphone, tablet, or computer devices to a Cast-enabled media player and then control the Cast-enabled media player's playback, including but not limited to the Spotify app; and/or (iii) third-party smartphone, tablet, or computer devices, that are installed with the Google Home app;"

- "Cast-enabled media players having a display screen and installed with Cast-enabled software (e.g., firmware and/or Cast-enabled apps) that allows a user to transfer playback of streaming media content from the Cast-enabled media player to another Cast-enabled media player and then control the other Cast-enabled media player's playback, including Google's Home Hub, Nest Hub, and Nest Hub Max media players;"
- "Servers that host the Google Home app for download onto smartphone, tablet, and computer devices;" and
- "Cast-enabled media players, including Google's Chromecast, Chromecast Ultra, Chromecast Audio, Chromecast with Google TV, Home Mini, Nest Mini, Home, Home Max, Home Hub, Nest Hub, Nest Hub Max, Nest Audio, and Nest Wifi Point media players."

See Sonos's 10-21-2021 and 6-14-2021 Disclosure of Asserted Claims And Infringement Contentions.

3. Sonos's affirmative allegations of infringement of the Patents-in-Suit by the Accused Products has created a justiciable controversy between Google and Sonos.

3.4. As a result of Sonos' communication to Google of its intention to pursue claims of infringement of the Patents-in-Suit against Google, Google is was under reasonable

1 apprehension of suit by Sonos no later than September 28, 2020. Sonos subsequently filed an
 2 action for infringement of the Patents-in-Suit against Google on September 29, 2020.

3 5. This is also an action for breach of contract, breach of the implied covenant of good
 4 faith and fair dealing, and conversion between Sonos and Google.

5 **THE PARTIES**

6 4.6. Plaintiff Google LLC is a subsidiary of Alphabet Inc. and a Delaware limited
 7 liability company with its principal place of business located at 1600 Amphitheatre Parkway,
 8 Mountain View, California 94043.

9 5.7. Defendant Sonos, Inc. is a Delaware corporation with ~~headquarters~~ its principal
 10 place of business at 614 Chapala Street, Santa Barbara, California 93101.

11 **JURISDICTIONAL STATEMENT**

12 6.8. ~~This action arises~~ Google's declaratory judgment claims arise under the
 13 Declaratory Judgment Act, 28 U.S.C. § 2201, and under the patent laws of the United States, 35
 14 U.S.C. §§ 1-390. This Court has subject matter jurisdiction over this action under 28 U.S.C.
 15 §§ 1331, 1338(a), and 2201(a).

16 9. This Court also has supplemental jurisdiction over the state law claims alleged in
 17 this Second Amended Complaint pursuant to 28 U.S.C. § 1367. The claims for breach of contract,
 18 breach of the implied covenant of good faith and fair dealing, and conversion are so related to the
 19 claims for non-infringement that they form part of the same case or controversy.

20 ~~7. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331,~~
 21 ~~1338(a), and 2201(a).~~

22 8.10. This Court has personal jurisdiction over defendant Sonos. Sonos is registered to
 23 do business in the State of California (Registration No. C2465272), has its headquarters in the
 24 State of California, and has offices in this District. Sonos, directly and through agents, regularly
 25 does, solicits, and transacts business in this District and elsewhere in the State of California.

26 9.11. Venue is proper in this District under 28 U.S.C. Section 1391. Sonos has a regular
 27 and established place of business in this District—specifically, offices and employees located at
 28 550 Montgomery Street, Suite 750, San Francisco, CA 94111. Sonos lists this San Francisco

office on its website (~~https://www.sonos.com/en-us/contact~~<https://www.sonos.com/en-us/contact>,
a true and correct copy of which is attached as Exhibit 1), and the Sonos office at this location is
advertised by Sonos as a current place of business (including in the building's directory in the
public lobby). Also, a substantial part of the events giving rise to Google's claim occurred in this
District, and because Sonos is subject to personal jurisdiction here. For example, on September
28, 2020, Sonos sent an email to a Google employee who works in this District indicating that
Sonos will be initiating a case against Google LLC asserting infringement of the Patents-in-Suit.
Sonos then filed an action for patent infringement against Google on September 29, 2020 in the
Western District of Texas, which was transferred to the Northern District of California on
September 28, 2021. See Sonos, Inc. v. Google LLC, Case No. 3:21-cv-07559-WHA, Dkt. No.
118 (N.D. Cal.). Further, a substantial part of the events that give rise to Google's state law
claims, including events pertaining to Sonos and Google's collaboration between 2013 to 2015
and the development of the cloud queue technology occurred in this District. And the Content
Integration Agreement that governs the collaboration includes a forum selection clause requiring
the state law claims be litigated in California.

~~10.~~12. An immediate, real, and justiciable controversy exists between Google and Sonos
as to whether Google is infringing or has infringed the Patents-in-Suit.

INTRADISTRICT ASSIGNMENT

~~11.~~13. ~~For purposes of intradistrict assignment under~~ This Intellectual Property Action is
assigned to Judge William Alsup pursuant to Civil Local Rules 3-2(c) and 3-5(b), ~~this Intellectual~~
~~Property Action will be assigned on a district-wide basis.~~

SONOS' CAMPAIGN AGAINST SONOS'S COLLABORATION WITH GOOGLE

~~12.~~14. Google was founded in 1998, and has a mission to organize the world's
information and make it universally accessible and useful. Over the past two decades, in service
of that mission, Google has become one of the world's most innovative technology companies.

~~13.~~15. Google's revolutionary advances in search, software, mobile computing, wireless
networking, content streaming, machine learning, and voice-assisted technologies including
speech recognition and advanced audio processing, have changed and improved millions of lives.

1 ~~14.~~16. As part of its commitment to innovation, Google has invested significantly in
 2 extensive research and development efforts, including its own research, as well as investments in
 3 and acquisitions of other cutting-edge technology companies. Google is the current assignee of
 4 tens of thousands of patents worldwide.

5 ~~15.~~17. Google partners with other companies to bring Google's innovations to millions of
 6 shared customers. In particular, Google has long had a continued partnership with Sonos. ~~In these~~
 7 ~~collaborations~~During their partnership, Sonos has repeatedly asked Google for assistance, so that
 8 Sonos could employ Google technology to improve ~~Sonos'~~Sonos's products.

9 ~~16.~~18. In 2013, Sonos asked for Google's assistance to integrate with Google's popular
 10 Play Music service. Google gave Sonos that assistance, and provided significant engineering
 11 resources, technical support, and other resources to integrate ~~Sonos'~~Sonos's products with
 12 Google's Play Music service ~~in 2014~~from 2013- through 2015.

13 ~~17.~~19. In 2016, Sonos again asked for Google's assistance—this time to integrate with
 14 Google's innovative Assistant software. And again, Google was willing to help. Google gave
 15 Sonos significant assistance in designing, implementing, and testing a solution that would bring
 16 Google's voice recognition software to ~~Sonos'~~Sonos's devices. This effort again involved
 17 substantial Google engineering resources, including significant months of employee work time,
 18 for the initial launch of Google's Assistant on ~~Sonos'~~Sonos's products in May 2019.

19 ~~18.~~20. Google is proud of its more than five-year partnership with Sonos, and has worked
 20 constructively with Sonos to make the companies' products work seamlessly by building special
 21 integrations for Sonos. For instance, when Google rolled out the ability to set a Sonos speaker as
 22 the default option for Google Assistant, it was the first time Google had done that for any partner
 23 company.

24 ~~19. — Sonos has made false claims about the companies' shared work and Google's~~
 25 ~~technology in lawsuits that Sonos filed against Google earlier this year. The parties are also~~
 26 ~~engaged in an additional litigation here in the Northern District of California, Case No. C 3-20-cv-~~
 27 ~~03845-EMC.~~

SONOS AND GOOGLE ENTER INTO COLLABORATION AGREEMENTS

21. Google and Sonos executed several agreements in connection with their collaboration on the integration of Google Play Music. For example, in January 2013, Google and Sonos entered into a Non-Disclosure Agreement “[REDACTED]” Ex. 2. And in November of 2013, Sonos and Google entered into a Content Integration Agreement under which Sonos asked Google (inter alia) to make resources available to Sonos, [REDACTED] [REDACTED] [REDACTED] [REDACTED]” Ex. 3 at 8. Pursuant to the Content Integration Agreement, Google provided Sonos with substantial assistance, including access to Google’s engineers and knowledge of Google’s products and technology, including products and technology at issue in this action.

22. The Content Integration Agreement governs the ownership of [REDACTED]. Specifically, Section 3.4 of the Content Integration Agreement provides that Google owns [REDACTED] intellectual property rights [REDACTED] to [REDACTED] and that Sonos will not [REDACTED] any such rights:

Ex. 3 § 3.4. \mathcal{A}_1 and \mathcal{A}_2 are defined as

Id. § 3.4. In other words, the parties agreed that Google

1 would own [REDACTED] to [REDACTED]
2 [REDACTED] an [REDACTED]

3 23. The Content Integration Agreement defines [REDACTED] as
4 follows:

5 [REDACTED]
6 [REDACTED]
7 *Id.* at Recitals. Cloud queue, the functionality that Sonos accuses of infringing the '615 and '033
8 patents, arises from or relates to the [REDACTED] including the development work
9 done by Google to create the [REDACTED]
10 [REDACTED]

11 **SONOS AND GOOGLE COLLABORATE ON CLOUD QUEUE**

12 24. Pursuant to the parties' agreements, Google and Sonos collaborated closely on
13 cloud queue for Google Play Music between 2013 and 2015.

14 25. At least by December of 2013, Google told Sonos—including Sonos engineer Tad
15 Coburn, the named inventor of the '615 and '033 patents—that Google was considering using “a
16 more cloud queue centric model that would help simplify things a bit (moving the interactions
17 away from the device, quickly),” to which Mr. Coburn responded that “[t]he idea of moving the
18 playlist to the cloud is very interesting, but will definitely complicate things.” Ex. 4.

19 26. In the months that followed, Mr. Coburn continued to express excitement regarding
20 the cloud queue idea that Google had proposed.

21 27. For instance, in May of 2014 Mr. Coburn exchanged multiple emails with Google
22 seeking an update on the status of “queues in the cloud.” Ex. 5. Google informed Mr. Coburn that
23 it was thinking about the details of the design, and listed some of the goals Google had in mind for
24 “cloud queue,” for example that “the cloud queue will be what we call a ‘container aware queue’ -
25 you can queue up a playlist, modify the playlist elsewhere, and the e2e experience will quickly
26 reflect the latest contents,” and that “the receiver will be able to get a few songs at a time from the
27 cloud queue.” *Id.*

1 28. By June of 2014, Mr. Coburn stated that he was “itching to start prototyping cloud
2 queue playback on our end” and explained that Google and Sonos had “discussed things enough
3 that” he had a “good idea” of how “your [i.e., Google’s] CloudQueue” will work. Ex. 6.

4 29. Throughout the collaboration, Mr. Coburn was personally involved in weekly
5 “Google/Sonos Sync[s],” regular calls to discuss cloud queue development, and multiple day-long
6 in-person meetings with Google’s cloud queue team. Mr. Coburn posed detailed technical
7 questions to Google regarding cloud queue, requested specific features and capabilities, asked
8 Google to share its cloud queue API design before the public release—which Google did—and
9 provided feedback on Google’s design.

10 30. Thus, pursuant to the Content Integration Agreement, the cloud queue technology
11 was the sole and exclusive property of Google, and Sonos was not permitted to “claim for itself or
12 for any third party any right, title, interest or licenses to the” cloud queue technology.

13 **SONOS WRONGFULLY CLAIMS RIGHTS IN THE CLOUD QUEUE TECHNOLOGY**

14 31. Despite the Content Integration Agreement, Sonos has willfully and wrongfully
15 attempted to claim Google’s idea for itself. For example, Sonos did not introduce the alleged
16 notion of a cloud-based queue into its patents until 2019. See, e.g., ‘033 prosecution history
17 (November 1, 2019 amendment adding notion of “remote playback queue”). And Sonos has now
18 referred to the ‘615 and ‘033 patents as its “cloud queue patents”: “Two of the patents-in-suit are
19 what we call our cloud queue patents, and they deal with exactly how music streaming on a cloud
20 gets transferred between a device, let's say a cell phone, and a speaker and how do you take a
21 queue that's queued up in the cloud and transfer that queue of music from one device to another.”
22 See Dkt. No. 38 (11-23-2020 Hearing Tr.) at 17:3-8.

23 32. To the extent Sonos’s interpretation of these patents is credited, the technology that
24 Google was developing in 2013 through 2015 (which Sonos was aware of in connection with the
25 parties’ collaboration), including this cloud queue technology, is in relevant respects, analogous to
26 technology that Sonos now accuses of infringing its patents.

27 33. In fact, many of Sonos’s infringement allegations are directed at Google
28 technologies that arise out of or are related to work done by Google as part of the collaboration.

For instance, Sonos has alleged that Google Play Music on iOS and Android devices infringes these patents based on its use of cloud queue technology. Yet the collaboration between Google and Sonos was directed to, inter alia, the integration of cloud queue into the Google Play Music casting experience (including for Google Play Music on iOS and Android devices).

34. Google conceived of this cloud queue idea, shared it with Sonos, and worked with Sonos to release it on the Google Play Music platform. Having been involved in the earlier collaborations, Sonos was aware that Google, not Sonos, conceived of the cloud queue technology and that Sonos had no right to draft claims that Sonos contends encompass the cloud-queue technology.

GOOGLE DOES NOT INFRINGE THE PATENTS-IN-SUIT

20.35. The Google-Accused Products do not directly or indirectly infringe any claim of the Patents-in-Suit, literally or under the doctrine of equivalents.

21.36. No third party infringes any claim of the Patents-in-Suit by using a Google product or service. Google has not caused, directed, requested, or facilitated any such infringement, much less with specific intent to do so. The Google-Accused Products are not designed for use in any combination that infringes any claim of the Patents-in-Suit. To the contrary, each has substantial uses that do not infringe any claim of the Patents-in-Suit.

FIRST COUNT

(Declaration of Noninfringement of 9,967,615)

22.37. Google restates and incorporates by reference the allegations in paragraphs 1 through 21.36 of this Complaint as if fully set forth herein.

23.38. Sonos claims to own all rights, title, and interest in and under the '615 patent. A true and correct copy of the '615 patent is attached hereto as Exhibit 27.

24.39. Google does not directly or indirectly infringe the '615 patent, either literally or under the doctrine of equivalents, at least because the Google-Accused Products do not comprise a tangible, non-transitory computer-readable storage medium including instructions for execution by a processor, the instructions, when executed, cause a control device to implement a method comprising: (1) causing a graphical interface to display a control interface including one or more

1 transport controls to control playback by the control device; (2) after connecting to a local area
 2 network via a network interface, identifying playback devices connected to the local area network;
 3 (3) causing the graphical interface to display a selectable option for transferring playback from the
 4 control device; (4) detecting a set of inputs to transfer playback from the control device to a
 5 particular playback device, wherein the set of inputs comprises: (i) a selection of the selectable
 6 option for transferring playback from the control device and (ii) a selection of the particular
 7 playback device from the identified playback devices connected to the local area network: (5) after
 8 detecting the set of inputs to transfer playback from the control device to the particular playback
 9 device, causing playback to be transferred from the control device to the particular playback
 10 device, (6) wherein transferring playback from the control device to the particular playback device
 11 comprises: (a) causing one or more first cloud servers to add multimedia content to a local
 12 playback queue on the particular playback device, wherein adding the multimedia content to the
 13 local playback queue comprises the one or more first cloud servers adding, to the local playback
 14 queue, one or more resource locators corresponding to respective locations of the multimedia
 15 content at one or more second cloud servers of a streaming content service; (b) causing playback
 16 at the control device to be stopped; and (c) modifying the one or more transport controls of the
 17 control interface to control playback by the playback device; and (7) causing the particular
 18 playback device to play back the multimedia content, wherein the particular playback device
 19 playing back the multimedia content comprises the particular playback device retrieving the
 20 multimedia content from one or more second cloud servers of a streaming content service and
 21 playing back the retrieved multimedia content.

22 25.40. For example, the ~~Chromecast, Chromecast Ultra, Chromecast Audio, Chromecast~~
 23 ~~with Google TV, Home Mini, Nest Mini, Home, Home Max, Home Hub, Nest Hub, Nest Hub~~
 24 ~~Max, Nest Audio, Nest Wifi Point, YouTube Music app, Google Play Music app, YouTube app,~~
 25 ~~Google Home app, and Google's "Pixel" phones, tablets, and laptops~~ Accused Products do not
 26 include the claimed transfer or addition to a "local playback queue on the particular playback
 27 device." All the independent claims of the '615 patent include limitations requiring "transferring
 28 playback from the control device to the particular playback device." '615 patent, Claims 1, 13 and

25. Transferring playback comprises “causing one or more first cloud servers to add multimedia content to a local playback queue on the particular playback device” *Id.* This functionality is not included in any of the ~~Google~~-Accused Products, according to Google’s understanding of this limitation of the ’615 patent. For example, the ~~Google~~-Accused Products do not include a local queue on an alleged remote playback device for playback of media. Instead, the alleged playback device (i.e., Chromecast, Chromecast Ultra, Chromecast Audio, Chromecast with Google TV, Home Mini, Nest Mini, Home, Home Max, Home Hub, Nest Hub, Nest Hub Max, Nest Audio, Nest Wifi Point) requests each song one-by-one to play back. Accordingly, none of the ~~Google~~ Accused Products include the claimed transfer or addition to a “local playback queue on the particular playback device” and consequently also do not perform any of the recited steps in connection with the local playback queue. Because the terms “causing one or more first cloud servers to add multimedia content to a local playback queue on the particular playback device” are included in every independent claim of the ’615 patent, none of the ~~Google~~-Accused Products infringe any claims of the ’615 patent.

26.41. No third party infringes any claim of the ’615 patent by using a Google product or service. Google has not caused, directed, requested, or facilitated any such infringement, much less with specific intent to do so. The ~~Google~~-Accused Products are not designed for use in any combination which infringes any claim of the ’615 patent. To the contrary, each has substantial uses that do not infringe any claim of the ’615 patent.

27.42. A substantial, immediate, and real controversy therefore exists between Google and Sonos regarding whether Google infringes the ’615 patent. A judicial declaration is appropriate and necessary to determine the parties’ respective rights regarding the ’615 patent.

28.43. Google seeks a judgment declaring that Google does not directly or indirectly infringe any claim of the ’615 patent.

SECOND COUNT

(Declaration of ~~Noninfringement of 10,779,033~~ Invalidity of 9,967,615)

~~29.44.~~ Google restates and incorporates by reference the allegations in paragraphs 1 through ~~26 of this Complaint as if fully set forth herein.~~ 43 of this Complaint as if fully set forth herein.

45. Due to Sonos's filing of the complaint in the Western District of Texas and service of infringement contentions pursuant to Patent Local Rules 3-3 and 3-4, an actual controversy exists between Google and Sonos as to the validity of the '615 Patent.

46. The claims of the '615 Patent are invalid, in whole or in part, for failure to meet one or more requirements of Title 35 of the United States Code, including but not limited to §§ 101, 102, 103, and/or 112.

47. By way of example, the asserted claims of the '615 patent are invalid based on one or more of Google's own Nexus Q and YouTube TV prior art, and the prior art references listed on the face of the patents.

48. Under the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., Google requests a judicial determination and declaration that the claims of the '615 Patent are invalid.

THIRD COUNT

(Declaration of Noninfringement of 10,779,033)

49. Google restates and incorporates by reference the allegations in paragraphs 1 through 48 of this Complaint as if fully set forth herein.

~~30.50.~~ Sonos claims to own all rights, title, and interest in and under the '033 patent. A true and correct copy of the '033 patent is attached hereto as Exhibit ~~38.~~

~~31.51.~~ Google does not directly or indirectly infringe the '033 patent, either literally or under the doctrine of equivalents, at least because the ~~Google~~-Accused Products do not comprise a computing device comprising: (1) at least one processor; (2) a non-transitory computer-readable medium; and (3) program instructions stored on the non-transitory computer-readable medium that, when executed by the at least one processor, cause the computing device to perform functions comprising: (4) operating in a first mode in which the computing device is configured for

1 playback of a remote playback queue provided by a cloud-based computing system associated
 2 with a cloud-based media service; (5) while operating in the first mode, displaying a
 3 representation of one or more playback devices in a media playback system that are each (i)
 4 communicatively coupled to the computing device over a data network and (ii) available to accept
 5 playback responsibility for the remote playback queue; (6) while displaying the representation of
 6 the one or more playback devices, receiving user input indicating a selection of at least one given
 7 playback device from the one or more playback devices; (7) based on receiving the user input,
 8 transmitting an instruction for the at least one given playback device to take over responsibility for
 9 playback of the remote playback queue from the computing device, wherein the instruction
 10 configures the at least one given playback device to (i) communicate with the cloud-based
 11 computing system in order to obtain data identifying a next one or more media items that are in
 12 the remote playback queue, (ii) use the obtained data to retrieve at least one media item in the
 13 remote playback queue from the cloud-based media service; and (iii) play back the retrieved at
 14 least one media item; (8) detecting an indication that playback responsibility for the remote
 15 playback queue has been successfully transferred from the computing device to the at least one
 16 given playback device; and (9) after detecting the indication, transitioning from (i) the first mode
 17 in which the computing device is configured for playback of the remote playback queue to (ii) a
 18 second mode in which the computing device is configured to control the at least one given
 19 playback device's playback of the remote playback queue and the computing device is no longer
 20 configured for playback of the remote playback queue.

21 32-52. For example, the ~~Chromecast, Chromecast Ultra, Chromecast Audio, Chromecast~~
 22 ~~with Google TV, Home Mini, Nest Mini, Home, Home Max, Home Hub, Nest Hub, Nest Hub~~
 23 ~~Max, Nest Audio, Nest Wifi Point, YouTube Music app, Google Play Music app, YouTube app,~~
 24 ~~Google Home app, and Google's "Pixel" phones, tablets, and laptops~~ Accused Products do not
 25 include the claimed instruction "wherein the instruction configures the at least one given playback
 26 device to (i) communicate with the cloud-based computing system in order to obtain data
 27 identifying a next one or more media items that are in the remote playback queue, (ii) use the
 28 obtained data to retrieve at least one media item in the remote playback queue from the cloud-

1 based media service; and (iii) play back the retrieved at least one media item.” (emphasis added).
 2 All independent claims of the ’033 patent include limitations requiring “operating in a first
 3 [playback] mode.” ’033 patent, Claims 1, 12 and 15. While operating in this first mode, the
 4 computing device transmits an instruction to the playback device, “wherein the instruction
 5 configures the at least one given playback device to (i) communicate with the cloud-based
 6 computing system in order to obtain data identifying a next one or more media items that are in
 7 the remote playback queue, (ii) use the obtained data to retrieve at least one media item in the
 8 remote playback queue from the cloud-based media service; and (iii) play back the retrieved at
 9 least one media item.” *Id.* The Google-Accused Products do not include a single instruction (i.e.,
 10 “the instruction”) that performs all these functions. While Google does not admit it performs any
 11 of these claim limitations, at a minimum, it uses multiple different “instructions” when a user is
 12 employing the Cast protocol to play audio on a remote playback device, such as a Google Home
 13 Max. Because these terms are included in every independent claim of the ’033 patent, none of the
 14 Google-Accused Products infringe any claims of the ’033 patent.

15 33.53. No third party infringes any claim of the ’033 patent by using a Google product or
 16 service. Google has not caused, directed, requested, or facilitated any such infringement, much
 17 less with specific intent to do so. The Google-Accused Products are not designed for use in any
 18 combination which infringes any claim of the ’033 patent. To the contrary, each has substantial
 19 uses that do not infringe any claim of the ’033 patent.

20 34.54. A substantial, immediate, and real controversy therefore exists between Google and
 21 Sonos regarding whether Google infringes the ’033 patent. A judicial declaration is appropriate
 22 and necessary to determine the parties’ respective rights regarding the ’033 patent.

23 35.55. Google seeks a judgment declaring that Google does not directly or indirectly
 24 infringe any claim of the ’033 patent.

25 FOURTH COUNT

26 (Declaration of Invalidity of 10,779,033)

27 56. Google restates and incorporates by reference the allegations in paragraphs 1
 28 through 55 of this Complaint as if fully set forth herein.

1 57. Due to Sonos's filing of the complaint in the Western District of Texas and service
2 of infringement contentions pursuant to Patent Local Rules 3-3 and 3-4, an actual controversy
3 exists between Google and Sonos as to the validity of the '033 Patent.

4 58. The claims of the '033 Patent are invalid, in whole or in part, for failure to meet
5 one or more requirements of Title 35 of the United States Code, including but not limited to §§
6 101, 102, 103, and/or 112.

7 59. By way of example, the asserted claims of the '033 patent are invalid based on one
8 or more of Google's own Nexus Q and YouTube TV prior art, and the prior art references listed
9 on the face of the patents.

10 60. Under the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., Google
11 requests a judicial determination and declaration that the claims of the '033 Patent are invalid.

12 **THIRD-FIFTH COUNT**

13 **(Declaration of Noninfringement of 9,344,206)**

14 ~~36.~~61. Google restates and incorporates by reference the allegations in paragraphs 1
15 through ~~31~~60 of this Complaint as if fully set forth herein.

16 ~~37.~~62. Sonos claims to own all rights, title, and interest in and under the '206 patent. A
17 true and correct copy of the '206 patent is attached hereto as Exhibit ~~49~~.

18 ~~38.~~63. Google does not directly or indirectly infringe the '206 patent, either literally or
19 under the doctrine of equivalents, at least because the ~~Google~~-Accused Products do not comprise a
20 multimedia controller including a processor, the controller configured to: (1) receive, via a
21 network interface, a zone configuration from a first independent playback device of a plurality of
22 independent playback devices, wherein the zone configuration is configured via the controller and
23 maintained at the first independent playback device, and wherein the zone configuration
24 characterizes one or more zone scenes, each zone scene identifying a group configuration
25 associated with two or more of the plurality of independent playback devices; and (2) cause a
26 selectable indication of the received zone configuration to be displayed, wherein the displayed
27 selectable indication is selectable to cause one or more of the zone scenes to be invoked by two or
28 more of the plurality of independent playback devices.

39.64. For example, the ~~Chromecast, Chromecast Ultra, Chromecast Audio, Chromecast with Google TV, Home Mini, Nest Mini, Home, Home Max, Home Hub, Nest Hub, Nest Hub Max, Nest Audio, Nest Wifi Point, YouTube Music app, Google Play Music app, YouTube app, Google Home app, and Google's "Pixel" phones, tablets, and laptops~~ Accused Products do not include the claimed "zone scene[s]," including at the one or more claimed playback devices. "Zone scene" functionality is not included in any of the ~~Google~~-Accused Products, ~~according to Google's understanding of the term. The Google.~~ The Accused Products in some configurations and instances include conventional speaker grouping functionality. ~~For example, Chromecast (1st gen) does not support speaker grouping.~~ But the patent repeatedly distinguishes conventional speaker grouping from the claimed "zone scene" technology. For example, the '206 patent describes speaker groups as "groups." *E.g.*, '206 patent at 1:56-2:10. To contrast, the '206 patent describes "one aspect of the present invention" as "a mechanism [] provided to allow a user to group some of the players according to a theme or scene" *E.g.*, *id.* 2:30-33. None of the ~~Google~~-Accused Products provide the "zone scene" functionality as described in the '206 patent, including at the one or more claimed playback devices, but instead only contain conventional speaker grouping in certain configurations or instances. Some products, such as the Chromecast (1st gen), do not support speaker grouping at all. Because the term "zone scene" is included in every independent claim of the '206 patent, none of the ~~Google~~-Accused Products infringe any claims of the '206 patent.

40.65. No third party infringes any claim of the '206 patent by using a Google product or service. Google has not caused, directed, requested, or facilitated any such infringement, much less with specific intent to do so. The ~~Google~~-Accused Products are not designed for use in any combination which infringes any claim of the '206 patent. To the contrary, each has substantial uses that do not infringe any claim of the '206 patent.

41.66. A substantial, immediate, and real controversy therefore exists between Google and Sonos regarding whether Google infringes the '206 patent. A judicial declaration is appropriate and necessary to determine the parties' respective rights regarding the '206 patent.

1 ~~42.~~67. Google seeks a judgment declaring that Google does not directly or indirectly
2 infringe any claim of the '206 patent.

3 ~~FOURTH~~SIXTH COUNT

4 (Declaration of Invalidity of 9,344,206)

5 68. Google restates and incorporates by reference the allegations in paragraphs 1
6 through 67 of this Complaint as if fully set forth herein.

7 69. Due to Sonos's filing of the complaint in the Western District of Texas, an actual
8 controversy exists between Google and Sonos as to the validity of the '206 Patent.

9 70. The claims of the '206 Patent are invalid, in whole or in part, for failure to meet
10 one or more requirements of Title 35 of the United States Code, including but not limited to §§
11 101, 102, 103, and/or 112.

12 71. By way of example, the asserted claims of the '206 patent are invalid based on one
13 or more of Sonos's own products and patents, Logitech Squeezebox devices, and the prior art
14 references listed on the face of the patents.

15 72. Under the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., Google
16 requests a judicial determination and declaration that the claims of the '206 Patent are invalid.

17 SEVENTH COUNT

18 (Declaration of Noninfringement of 10,469,966)

19 ~~43.~~73. Google restates and incorporates by reference the allegations in paragraphs 1
20 through ~~36~~72 of this Complaint as if fully set forth herein.

21 ~~44.~~74. Sonos claims to own all rights, title, and interest in and under the '966 patent. A
22 true and correct copy of the '966 patent is attached hereto as Exhibit ~~5~~10.

23 ~~45.~~75. Google does not directly or indirectly infringe the '966 patent, either literally or
24 under the doctrine of equivalents, at least because the ~~Google~~-Accused Products do not comprise a
25 computing device comprising: (1) one or more processors; (2) a non-transitory computer-readable
26 medium; and (3) program instructions stored on the non-transitory computer-readable medium
27 that, when executed by the one or more processors, cause the computing device to perform
28 functions comprising: (4) while serving as a controller for a networked media playback system

1 comprising a first zone player and at least two other zone players, wherein the first zone player is
 2 operating in a standalone mode in which the first zone player is configured to play back media
 3 individually: (5) receiving a first request to create a first zone scene comprising a first predefined
 4 grouping of zone players including at least the first zone player and a second zone player that are
 5 to be configured for synchronous playback of media when the first zone scene is invoked; (6)
 6 based on the first request, (i) causing creation of the first zone scene, (ii) causing an indication of
 7 the first zone scene to be transmitted to the first zone player, and (iii) causing storage of the first
 8 zone scene; (7) receiving a second request to create a second zone scene comprising a second
 9 predefined grouping of zone players including at least the first zone player and a third zone player
 10 that are to be configured for synchronous playback of media when the second zone scene is
 11 invoked, wherein the third zone player is different than the second zone player; (8) based on the
 12 second request, (i) causing creation of the second zone scene, (ii) causing an indication of the
 13 second zone scene to be transmitted to the first zone player, and (iii) causing storage of the second
 14 zone scene; (9) displaying a representation of the first zone scene and a representation of the
 15 second zone scene; and (10) while displaying the representation of the first zone scene and the
 16 representation of the second zone scene, receiving a third request to invoke the first zone scene;
 17 and (11) based on the third request, causing the first zone player to transition from operating in the
 18 standalone mode to operating in accordance with the first predefined grouping of zone players
 19 such that the first zone player is configured to coordinate with at least the second zone player to
 20 output media in synchrony with output of media by at least the second zone player.

21 46.76. For example, the ~~Chromecast, Chromecast Ultra, Chromecast Audio, Chromecast~~
 22 ~~with Google TV, Home Mini, Nest Mini, Home, Home Max, Home Hub, Nest Hub, Nest Hub~~
 23 ~~Max, Nest Audio, Nest Wifi Point, YouTube Music app, Google Play Music app, YouTube app,~~
 24 ~~Google Home app, and Google's "Pixel" phones, tablets, and laptops~~ Accused Products do not
 25 include the claimed "zone scene[s]," including at the one or more claimed "zone players." "Zone
 26 scene" functionality is not included in any of the ~~Google~~ Accused Products, ~~according to Google's~~
 27 ~~understanding of the term. The Google.~~ The Accused Products in certain configurations and
 28 instances include conventional speaker grouping functionality. ~~For example, Chromecast (1st~~

1 ~~gen) does not support speaker grouping.~~ But the patent repeatedly distinguishes conventional
 2 speaker grouping from the claimed “zone scene” technology. For example, the ’966 patent
 3 describes speaker groups as “groups.” *E.g.*, ’966 patent at 1:62-2:17. To contrast, the ’966 patent
 4 describes “one aspect of the present invention” as “a mechanism [] provided to allow a user to
 5 group some of the players according to a theme or scene” *E.g.*, *id.* 2:38-41. None of the
 6 Google-Accused Products provide the “zone scene” functionality as described in the ’966 patent,
 7 including at the one ~~ore-or~~ more claimed “zone players,” but instead only contain conventional
 8 speaker grouping in certain configurations or instances. Some products, such as the Chromecast
 9 (1st gen), do not support speaker grouping at all. Because the term “zone scene” is included in
 10 every independent claim of the ’966 patent, none of the Google-Accused Products infringe any
 11 claims of the ’966 patent.

12 ~~47.77.~~ No third party infringes any claim of the ’966 patent by using a Google product or
 13 service. Google has not caused, directed, requested, or facilitated any such infringement, much
 14 less with specific intent to do so. The Google-Accused Products are not designed for use in any
 15 combination which infringes any claim of the ’966 patent. To the contrary, each has substantial
 16 uses that do not infringe any claim of the ’966 patent.

17 ~~48.78.~~ A substantial, immediate, and real controversy therefore exists between Google and
 18 Sonos regarding whether Google infringes the ’966 patent. A judicial declaration is appropriate
 19 and necessary to determine the parties’ respective rights regarding the ’966 patent.

20 ~~49.79.~~ Google seeks a judgment declaring that Google does not directly or indirectly
 21 infringe any claim of the ’966 patent.

22 EIGHTH COUNT

23 (Declaration of Invalidity of 10,469,966)

24 80. Google restates and incorporates by reference the allegations in paragraphs 1
 25 through 79 of this Complaint as if fully set forth herein.

26 81. Due to Sonos’s filing of the complaint in the Western District of Texas and service
 27 of infringement contentions pursuant to Patent Local Rules 3-3 and 3-4, an actual controversy
 28 exists between Google and Sonos as to the validity of the ‘966 Patent.

82. The claims of the '966 Patent are invalid, in whole or in part, for failure to meet one or more requirements of Title 35 of the United States Code, including but not limited to §§ 101, 102, 103, and/or 112.

83. By way of example, the asserted claims of the '966 patent are invalid based on one or more of Sonos's own products and patents, Logitech Squeezebox devices, and the prior art references listed on the face of the patents.

84. Under the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., Google requests a judicial determination and declaration that the claims of the '966 Patent are invalid.

FIFTH NINTH COUNT

(Declaration of Noninfringement of 9,219,460/10,848,885)

50.85. Google restates and incorporates by reference the allegations in paragraphs 1 through 41.84 of this Complaint as if fully set forth herein.

51.86. Sonos claims to own all rights, title, and interest in and under the '460.885 patent. A true and correct copy of the '460.885 patent is attached hereto as Exhibit 611.

52. — Google does not directly or indirectly infringe the '460 patent, either literally or under the doctrine of equivalents, at least because the Google Accused Products do not comprise: a playback device, comprising: (1) a speaker; (2) a microphone that is physically coupled to the speaker; (3) a processor; (4) a network interface; (5) a data storage; and (6) a program logic stored in the data storage and executable by the processor to: (7) emit a first audio signal from the speaker; (8) detect, via the microphone, a second audio signal, wherein at least a portion of the second audio signal is a reflection of the first audio signal; (9) in response to the detecting, determine a first reflection characteristic based on at least the second audio signal; (10) adjust an equalization setting of the playback device based on at least the first reflection characteristic; and (11) play, via the speaker, an audio track according to the equalization setting.

53. — As an initial matter, except for the Google Home Max, none of the Google Accused Products include the relevant Room EQ feature that Sonos has alleged infringes the claims of the '460 patent. Those products therefore do not infringe on that basis. For the Google Home Max, it does not include the claimed "first audio signal" or "second audio signal" to determine a

1 ~~“reflection characteristic.” Specifically, the claim language of the ’460 patent distinguishes~~
 2 ~~between an “audio signal” and an “audio track,” indicating that they are not the same. See, e.g.,~~
 3 ~~’460 patent, Claim 1 (“emitting, by a playback device, a first audio signal... causing an audio~~
 4 ~~track to play according to the adjusted equalization setting.”). The specification also refers to the~~
 5 ~~first audio signal several times as a curated audio signal to enhance detection of “reflection~~
 6 ~~characteristics.” See, e.g., ’460 Patent, 12:43-45 (“For instance, the first audio signal may include~~
 7 ~~a pulse. Such a pulse may be a recording of a brief audio pulse that approximates an audio impulse~~
 8 ~~signal.”). The claimed “audio signal” in the ’460 patent is thus separate and distinct from the~~
 9 ~~“audio track” that is played according to the equalization settings that are adjusted based on~~
 10 ~~reflection characteristics. Google Home Max, on the other hand, simply plays back media and~~
 11 ~~does not include a separate “audio signal” as claimed. It therefore does not include the claimed~~
 12 ~~first or second “audio signal” or determine reflection characteristic that adjust equalization settings~~
 13 ~~based on an audio signal that is separate and distinct from the audio track itself. Because the~~
 14 ~~terms “first audio signal,” “second audio signal,” and “reflection characteristic” are included in~~
 15 ~~every independent claim of the ’460 patent, none of the Google Accused Products infringe any~~
 16 ~~claims of the ’460 patent.~~

17 87. Google does not directly or indirectly infringe the ’885 patent, either literally or
 18 under the doctrine of equivalents, at least because the Accused Products do not comprise a first
 19 zone player comprising: (1) a network interface that is configured to communicatively couple the
 20 first zone player to at least one data network; (2) one or more processors; (3) a non-transitory
 21 computer-readable medium; and (4) program instructions stored on the non-transitory computer-
 22 readable medium that, when executed by the one or more processors, cause the first zone player to
 23 perform functions comprising: while operating in a standalone mode in which the first zone player
 24 is configured to play back media individually in a networked media playback system comprising
 25 the first zone player and at least two other zone players: (i) receiving, from a network device over
 26 a data network, a first indication that the first zone player has been added to a first zone scene
 27 comprising a first predefined grouping of zone players including at least the first zone player and a
 28 second zone player that are to be configured for synchronous playback of media when the first

1 zone scene is invoked; and (ii) receiving, from the network device over the data network, a second
 2 indication that the first zone player has been added to a second zone scene comprising a second
 3 predefined grouping of zone players including at least the first zone player and a third zone player
 4 that are to be configured for synchronous playback of media when the second zone scene is
 5 invoked, wherein the second zone player is different than the third zone player; (5) after receiving
 6 the first and second indications, continuing to operate in the standalone mode until a given one of
 7 the first and second zone scenes has been selected for invocation; (6) after the given one of the
 8 first and second zone scenes has been selected for invocation, receiving, from the network device
 9 over the data network, an instruction to operate in accordance with a given one of the first and
 10 second zone scenes respectively comprising a given one of the first and second predefined
 11 groupings of zone players; and (7) based on the instruction, transitioning from operating in the
 12 standalone mode to operating in accordance with the given one of the first and second predefined
 13 groupings of zone players such that the first zone player is configured to coordinate with at least
 14 one other zone player in the given one of the first and second predefined groupings of zone players
 15 over a data network in order to output media in synchrony with output of media by the at least one
 16 other zone player in the given one of the first and second predefined groupings of zone players.

17 88. For example, the Accused Products do not include the claimed “zone scene[s],”
 18 including at the one or more claimed “zone players.” “Zone scene” functionality is not included in
 19 any of the Accused Products. The Accused Products in certain configurations and instances
 20 include conventional speaker grouping functionality. But the patent repeatedly distinguishes
 21 conventional speaker grouping from the claimed “zone scene” technology. For example, the ’885
 22 patent describes speaker groups as “groups.” E.g., ’885 patent at 1:62-2:17. To contrast, the ’966
 23 patent describes “one aspect of the present invention” as “a mechanism [] provided to allow a user
 24 to group some of the players according to a theme or scene” E.g., *id.* 2:38-41. None of the
 25 Accused Products provide the “zone scene” functionality as described in the ’885 patent, including
 26 at the one or more claimed “zone players,” but instead only contain conventional speaker grouping
 27 in certain configurations or instances. Some products, such as the Chromecast (1st gen), do not

support speaker grouping at all. Because the term “zone scene” is included in every independent claim of the ’885 patent, none of the Accused Products infringe any claims of the ’885 patent.

54.89. No third party infringes any claim of the ~~’460-885~~ patent by using a Google product or service. Google has not caused, directed, requested, or facilitated any such infringement, much less with specific intent to do so. The ~~Google~~-Accused Products are not designed for use in any combination which infringes any claim of the ~~’460-885~~ patent. To the contrary, each has substantial uses that do not infringe any claim of the ~~’460-885~~ patent.

55.90. A substantial, immediate, and real controversy therefore exists between Google and Sonos regarding whether Google infringes the ~~’460-885~~ patent. A judicial declaration is appropriate and necessary to determine the parties’ respective rights regarding the ~~’460-885~~ patent.

56.91. Google seeks a judgment declaring that Google does not directly or indirectly infringe any claim of the ~~’460-885~~ patent.

TENTH COUNT

(Declaration of Invalidity of 10,848,885)

92. Google restates and incorporates by reference the allegations in paragraphs 1 through 91 of this Complaint as if fully set forth herein.

93. Due to Sonos’s filing of the complaint in the Western District of Texas and service of infringement contentions pursuant to Patent Local Rules 3-3 and 3-4, an actual controversy exists between Google and Sonos as to the validity of the ‘885 Patent.

94. The claims of the ‘885 Patent are invalid, in whole or in part, for failure to meet one or more requirements of Title 35 of the United States Code, including but not limited to §§ 101, 102, 103, and/or 112.

95. By way of example, the asserted claims of the ’885 patent are invalid based on one or more of Sonos’s own products and patents, Logitech Squeezebox devices, and the prior art references listed on the face of the patents.

96. Under the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., Google requests a judicial determination and declaration that the claims of the ‘885 Patent are invalid.

ELEVENTH COUNT

(Breach of Contract)

97. Google restates and incorporates by reference the allegations in paragraphs 1 through 94 of this Complaint as if fully set forth herein.

98. Google and Sonos entered into the Content Integration Agreement in or around November 2013. Ex. 3. The Content Integration Agreement is a valid and enforceable contract.

99. Google did all or substantially all of the things that the Content Integration Agreement required it to do.

100. Sonos breached the terms of the Content Integration Agreement by, among other things, attempting to “claim for itself or for any third party any right, title, interest or license to” the Provider Developments and/or the Integrated Service Offering.

101. Sonos’s breach was grossly negligent, willful, a breach of confidentiality and/or a willful misappropriation of Google’s intellectual property.

102. Google has suffered economic harm and incurred damages as a direct and proximate result of Sonos’s breach in an amount to be proven at trial.

103. Sonos’s conduct was a substantial factor in causing Google harm.

TWELFTH COUNT

(Breach of the Implied Covenant of Good Faith and Fair Dealing)

104. Google restates and incorporates by reference the allegations in paragraphs 1 through 103 of this Complaint as if fully set forth herein.

105. The Content Integration Agreement that Google and Sonos entered into in or around November 2013 incorporates an implied duty of good faith and fair dealing.

106. Google did all or substantially all of the things that the Content Integration Agreement required it to do.

107. Implied in the contract is a covenant that Sonos will act in good faith and deal fairly with Google. Sonos has breached the implied covenant of good faith and fair dealing owed to Google by, inter alia, attempting to use the collaboration information that Google shared with Sonos, including Google’s disclosures to Sonos, against Google. By doing so, Sonos was acting

1 for a purpose contrary to that for which the contract was made, and prevented Google from
 2 receiving the benefits of the contract. Sonos failed to act fairly and in good faith.

3 108. Google has suffered harm and incurred damages as a direct and proximate result of
 4 Sonos's breach in an amount to be proven at trial.

5 THIRTEENTH COUNT

6 (Conversion)

7 109. Google restates and incorporates by reference the allegations in paragraphs 1
 8 through 108 of this Complaint as if fully set forth herein.

9 110. Google, not Sonos, conceived of the cloud queue idea. Thus, Google should have
 10 been named as an inventor and owner, and has a right to possession of, any patents arising from or
 11 related to the cloud queue technology, including, without limitation, Sonos's alleged "cloud
 12 queue" patents. See Dkt. No. 38 (11-23-2020 Hearing Tr.) at 17:3-8.

13 111. Sonos wrongfully exercised dominion over patents that Sonos contends cover
 14 Google's cloud queue idea. For example, Sonos filed for patents that it contends cover Google's
 15 cloud queue technology, including the '615 and '033 patents that Sonos refers to as its "cloud
 16 queue patents." Sonos named itself as the sole owner of these patents. Sonos was aware that
 17 Google, not Sonos, came up with the idea for the cloud queue, and that excluding Google as an
 18 owner or inventor on these patents was wrongful. By filing patents on Google's intellectual
 19 property, Sonos has willfully and without lawful justification appropriated Google's property as its
 20 own without the consent of Google.

21 112. Google has suffered non-economic harm and damages, including, but not limited
 22 to, reputational harm, as a direct and proximate result of Sonos's unlawful conversion.

23 PRAYER FOR RELIEF

24 WHEREFORE, Google prays for judgment as follows:

25 A. Declaring that the ~~Google~~-Accused Products do not infringe, directly or
 26 indirectly, the Patents-in-Suit, either literally or under the Doctrine of Equivalents;

27 B. ~~Declaring-A declaration~~ that Google does not induce infringement of the
 28 Patents-in-Suit;

1 C. ~~Declaring~~ A declaration that Google does not contributorily infringe on the
2 Patents-in-Suit;

3 D. ~~Declaring~~ A declaration that judgment be entered in favor of Google and
4 against Sonos on Google's claims;

5 E. A declaration that the '615 and '033 patents and any Sonos intellectual
6 property on the cloud queue technology is Google's and/or an order requiring Sonos to
7 assign such intellectual property to Google;

8 ~~E.F.~~ Finding A finding that this is an exceptional case under 35 U.S.C. § 285;

9 G. A finding that Sonos breached the Content Integration Agreement;

10 ~~F.H.~~ Awarding An award to Google of its costs and attorneys' fees in connection
11 with this action; ~~and~~

12 I. An award to Google of all remedies provided under law, including
13 monetary damages and/or imposition of a constructive trust over for Sonos's breach of the
14 Content Integration Agreement, including a constructive trust over the '615 and '033
15 patents and any any other intellectual property claimed to be owned by Sonos that covers
16 intellectual property owned by Google; and

17 ~~G.J.~~ Granting Google such further and additional relief as the Court deems just
18 and proper.

19
20 DATED: ~~December 11~~ November 16,
21 2020 2021

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

22
23
24
25 By /s/ Charles K. Verhoeven
26 Charles K. Verhoeven
27 Attorneys for GOOGLE LLC

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Google respectfully
demands a trial by jury on all issues triable by jury.

DATED: ~~December 11~~ November 16,
~~2020~~ 2021

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

By /s/ Charles K. Verhoeven

Charles K. Verhoeven
Attorneys for GOOGLE LLC